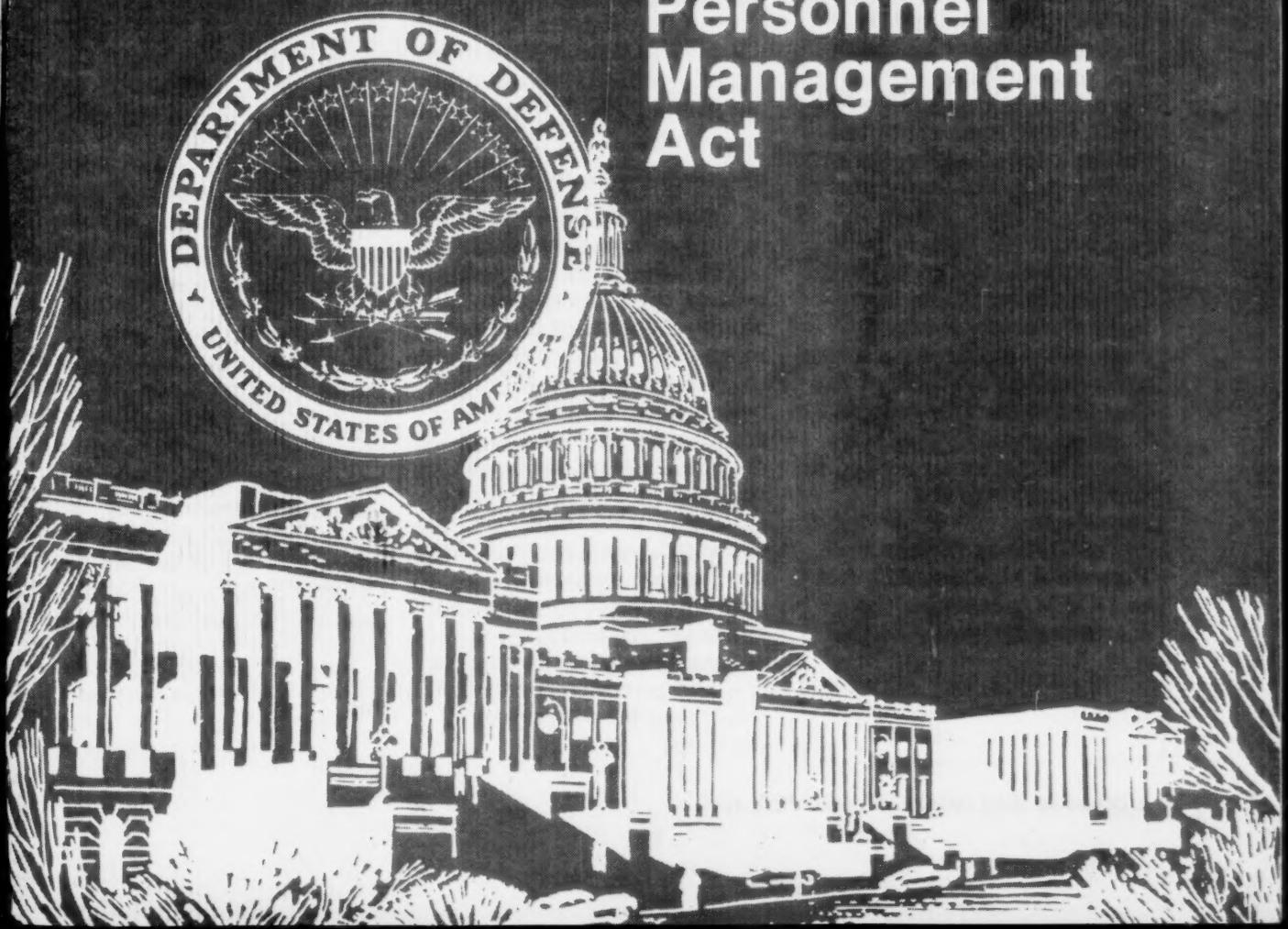
COMMANDERS DIGEST
VOL. 18, NO. 19/NOVEMBER 6, 1975

DOPMA

The Proposed Defense Officer Personnel Management Act



DOPMA

A BILL . . . "to amend [the law for] . . . appointment, promotion, separation, and retirement of . . . [commissioned officers] . . . of the armed forces. . ."

Officer personnel management today is governed by the Officer Personnel Act of 1947 (OPA) and the Officer Grade Limitation Act of 1954 (OGLA). On the whole, these laws have served us well, but they have certain deficiencies which have been recognized by both the Department of Defense and the Congress. The proposed Defense Officer Personnel Management Act (H.R. 7486) represents the culmination of several efforts over a period of many years to update and extensively revise the 1947 Act.

Most recently, in 1972, the Department of Defense formed a study group to evaluate the officer personnel management systems of the four Services. The group's findings and recommendations resulted in the proposal we are considering.

The Defense Officer Personnel Management Act or DOPMA contains the statutory authority needed to provide more uniform promotion systems among the Services and new grade authorization tables. A companion bill is being prepared for the Reserves. The Regular and Reserve proposals together will simplify the coordinated use of active and Reserve forces in time of mobilization.

By
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The legislative proposal is quite a thick document. It would overhaul or eliminate more than 300 sections of current law, and codify others. I would like to emphasize, however, that despite its size this is not, in principle, a complex piece of legislation. Nor does it represent a radical shift from the present system. It basically clears up existing inefficiencies and anachronisms in the current law and provides consistent treatment for officers in all Services.

Reasons For Change

Congress and the Department of Defense have identified a number of defects in the existing laws. For purposes of simplicity we can consider these defects in two major groups.

The first group consists of problems relating to management of the force and grade structure. One of the most serious faults with the present law is the fact that the Air Force has substantially lower permanent limits than the Army or Navy in the lieutenant colonel and colonel grades. This occurred because the Air Force was a new Service with a young officer corps when the Officer Grade Limitation Act was passed in 1954. Adherence to these lower limits would provide Air Force officers drastically lower career progression opportunity than officers of the other Services. Congress, however, has provided temporary relief by

UNDER ACTIVE CONSIDERATION . . .

- *Introduced in the House of Representatives on 22 May 1975-H.R. 7486.*
- *Introduced in the Senate on 26 September 1975-S. 2424.*

suspending the Air Force's limits seven times since 1959. The need to establish more realistic grade limitations for the Air Force has been one of the principal motivations for revising the officer management laws.

The officer grade ceilings are also inadequate to accommodate a recall of today's organized Reserve units in an emergency. The tables do not add authorizations for senior officers in the same proportion as they would be needed in mobilized Reserve units, so in time of mobilization, a portion of each unit's senior officer leadership would have to be left behind. On the other hand, if the tables were rich enough to accommodate a Reserve recall, they would be richer than needed for an expansion of active duty forces when no recall is involved. Temporary exemption of Reserves from the permanent grade ceilings in a recall situation would solve this problem.

The final deficiency relating to force structure management concerns statutory tenure guarantees. The statutory tenure given to Regular majors and lieutenant commanders has caused us to carry officers to retirement who otherwise would have been separated and replaced by more junior officers. These difficulties have limited the Services' ability to achieve and maintain the most effective officer structure. They have also contributed to a lack of selectivity in the post-Vietnam drawdown.

The second major group of deficiencies in the present laws are those that result in inconsistent or inequitable treatment of officers. Most of these deficiencies result from the respective historic origins of the statutes.

Different laws controlling promotions result in Army and Air Force officers undergoing two selections to each grade (one temporary and one permanent) while Navy and Marine Corps officers undergo only one. Different provisions for mandatory separation and

OBJECTIVES:

- allow the Services to meet requirements for officers in the various grades at ages conducive to effective performance.

- provide career opportunity that will attract and retain the number of high caliber officers needed.

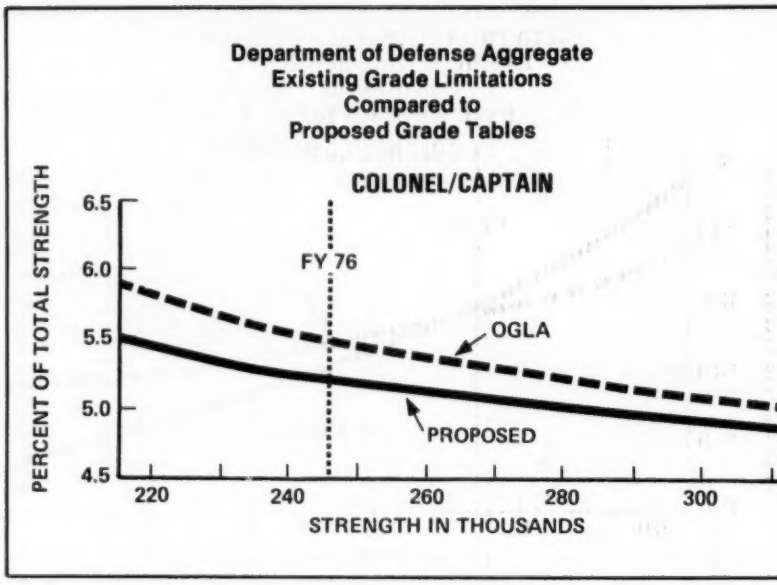
- provide career opportunity that is reasonably consistent among the four Services.

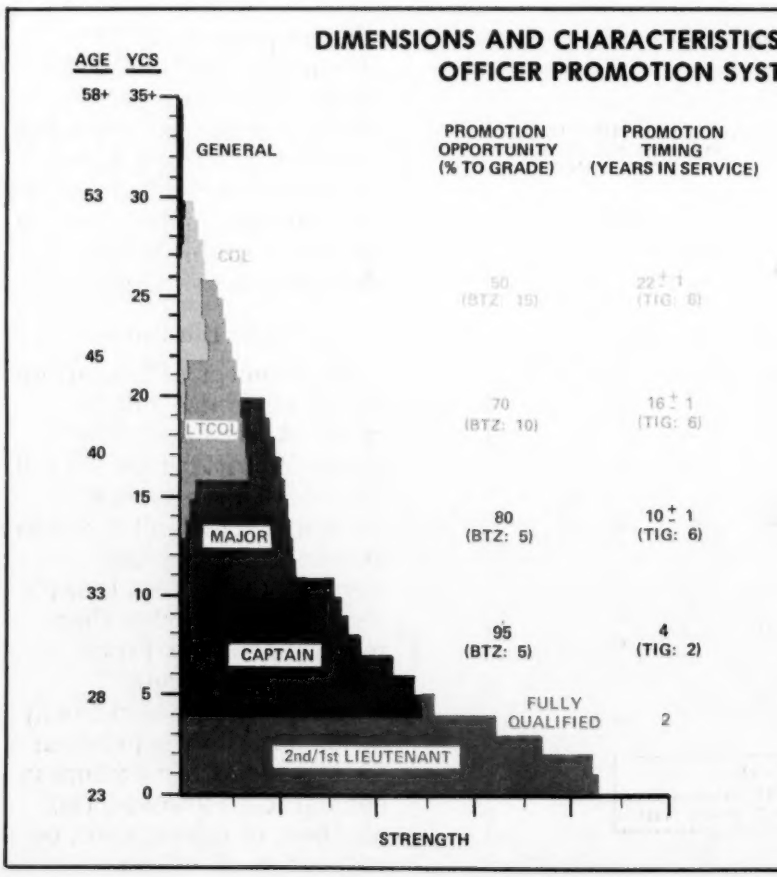
retirement result in different lengths of tenure for members of each Service. The fact that only unrestricted line officers are subject to grade limitations in the Navy means that only about 60 percent of Navy officers are covered under the current limitations. Thus, there is a substantially different basis for grade control in the Navy than in the other Services.

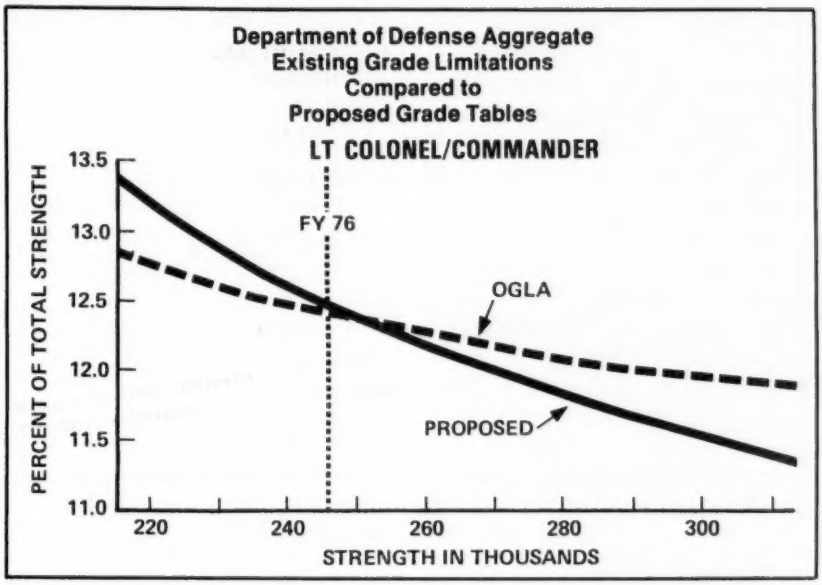
A related problem concerns the Reserves. For various reasons, it has been necessary to keep large numbers of Reserve officers on active duty. Reserves, however, do not have the same statutory tenure as Regulars, and are therefore separated first during reductions in force. This practice is discriminatory, particularly for careerists.

Differentiations based on sex particularly in the laws relating to the Navy and Marine Corps, are another example of legal requirements that can result in inequitable treatment of officers. For example, women officers in the Navy are not afforded the same legal opportunities for promotion to flag rank as male officers, nor are they subject to the same provisions for involuntary separation.

I think you will agree that some changes are needed to allow us to manage our







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TEM

TENURE	CAREER PATTERN - 100 NEWLY COMMISSIONED OFFICERS (NO. TO GRADE)
	1.6
AFTER 4 YEARS IN GRADE BOARD REVIEW TO 30 YEARS	18
2 X NON-SELECT BOARD REVIEW TO 26 YEARS	41
2 X NON-SELECT BOARD REVIEW TO 20 YEARS	65
2 X NON-SELECT SEPARATION	87
2 X NON-SELECT SEPARATION	96

LEGEND:
BTZ: Below-the-Zone
TIG: Time-in-Grade

officers properly and efficiently. DOPMA will enable us to do this by modifying and rationalizing the laws governing officer management, while retaining the concepts underlying the present system. Major changes are as follows.

Grade Limitations

The concept of limitations in officer grades will be retained. New statutory grade limitations for the 0-6, 0-5, and 0-4 grades are proposed. The limitations are consistent among the Services and reflect today's requirements. Other than updating the Air Force limitations, the new limitations are not radically different from the previous ones in terms of numbers in each grade. However, the numbers of colonels will be reduced at all officer strength levels, while the number of lieutenant colonels will remain about the same except for a slight increase at the lower strength levels. This increase remedies certain design deficiencies in the present tables. Authorizations for majors are increased at all strength levels to correct current tables that do not provide adequate career opportunity and also to compensate for the reductions in authorizations for the higher grades.

The new statutory grade limitations cover only O-6's, O-5's, and O-4's and are, of course, related to total officer strength. The present "sliding scale" concept will be retained which means that as total service officer strength decreases the proportion of senior officers will increase, and as total strength increases the proportion of senior officers will decrease. We are not recommending statutory control over the lower grades since overall officer strength management requires greater latitude in managing this group.

We are also proposing that recalled Reservists not be counted against active duty grade limitations and not be included in the base for their determination for a period of two years following initial recall.

The new grade limitations standardize among the

Services the categories of officers not included within the limitations. This represents a particularly significant change for the Navy, since restricted line and staff corps officers (excluding physicians and dentists) would now come under direct grade control. This includes officers in such specialties as supply, civil engineering, legal, and intelligence.

The grade tables are designed to allow a selective flow of officers through the grade structure and to standardize promotion opportunities at reasonably spaced intervals.

I should emphasize that the new grade limitations are just that — upper limits which the Department of Defense will not exceed. We intend never to have a grade distribution richer than that required to meet the needs of readiness and personnel management. We view these grade limits as a mutual commitment between the Department of Defense and the Congress — the Department obligated to manage within these limits and Congress allowing us to use the full limitations as conditions require.

All-Regular Career Force

With limited exceptions, an all-Regular career force will be established under DOPMA. All active duty officers with more than 11 years of commissioned service will be Regulars. The only exceptions, other than for junior officers, are Reserves involved in organizing, training or administering the Reserve components and those recalled to active duty in an emergency. This will eliminate the selective vulnerability of Reserve officers to reductions in force after their 11th year of service.

Mandatory Separation

This bill continues the concept of mandatory separation or retirement after specified periods of service, depending on the grade attained. The maximum periods of service will be standardized for all Services. O-6's may be permitted to remain on

What DOPMA Provides During Transition

The bill provides for orderly transition to protect rights and entitlements of officers on active duty prior to enactment.

Within six months of enactment, all officers, regular and reserve, with exception of reserve officers on active duty for training and administering reserve programs will be placed on a single seniority list of their respective Services. This "active duty list" determines future eligibility for promotion consideration under new system.

Transition to the all-Regular career force (officers with over 11 years of service) will be accomplished over a two-year period. Within this period "active duty list" reserve officers with over nine years service on date of enactment will be integrated into the regular force or released. The number who will be given Regular commissions during this period will depend on officer strengths authorized. Should strengths remain substantially at present levels, it is anticipated that most Reserve officers with nine to 18 years of service on the date of enactment could be augmented to Regular status. Reserve officers who have 18 years of service on enactment of DOPMA, or who attain 18 years service during the two-year transition period, will be permitted to serve as Reserves until they are eligible for retirement.

All promotions made after date of enactment will be under the new single-step promotion system. Officers serving on date of enactment in a temporary grade higher than their permanent grade will retain the higher grade under the new system. Officers recommended for promotion, but not yet

active duty for 30 years of commissioned service, O-5's 26 years, and O-4's 20 years. The O-3's and below will be permittted to remain until the second failure of selection to the next higher grade.

Selective Continuation

Although maximum periods of service will still be specified, tenure provisions will be substantially changed. The present system of tenure forces the Services to rely on retarding or stopping promotions to reduce the number of officers in controlled grades during periods of force reduction. DOPMA will remove assurance of tenure for the grade of O-4 and create a selective continuation authority for the grades of O-5 and O-6.

The O-4's who have twice failed selection for promotion may only be continued on active duty to 20 years through the action of a continuation board specifically convened by the Service Secretary. If they are not continued, they will either be involuntarily separated, or retired if eligible. In addition, the Service Secretaries will have the authority to convene boards for discontinuing 0-5's who have twice failed selection for promotions and for O-6's with over four years in grade. If not continued, they will be retired. There will, of course, be limits on the rate at which senior officers may be discontinued under this provision.

Administration

Personnel administration will be simplified by the DOPMA proposal. The dual temporary/permanent promotion system presently in effect will be replaced by a single promotion system for each Service. Promotion will be on a permanent basis as vacancies occur, under a single set of statutory grade limitations. We expect this will help to equalize promotion opportunity among the Services as well as to simplify administration. Also, under DOPMA the provisions as to appointment, promotion, accountability, and

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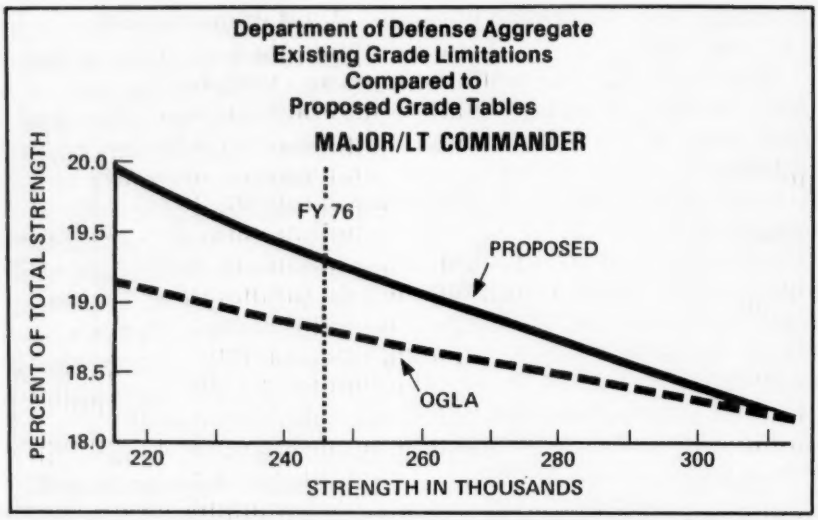
promoted, prior to enactment will be considered as recommended for promotion under the new system.

New service points for mandatory retirement become effective on enactment and apply to officers according to the grade in which they are serving on the date of enactment, except Regular Army and Air Force officers serving in or selected to permanent grades of major, lieutenant colonel, or colonel. These officers will retain their statutory expectation under laws existing prior to enactment of 21, 28 and 30 years respectively. Regular Army and Air Force officers serving in or selected to the temporary grade of brigadier general or higher who held a permanent grade below brigadier general on the date of enactment will be considered to have been promoted to colonel under terms of this bill for purposes of mandatory retirement.

Service points for mandatory separation/retirement become effective on enactment for officers in all grades except that:

- Regular officers who are serving in or selected to the permanent grade of major (and not serving in a higher temporary grade) in the Army and Air Force as well as officers serving in or selected to the grade of lieutenant commander in the Navy and major in the Marine Corps on the date of enactment will not be subject to mandatory separation until they have completed 21 and 20 years of service respectively.
- Army and Air Force officers holding a permanent grade below lieutenant colonel who have received *one* failure of selection for promotion to the next higher permanent grade as of date of enactment will receive a second consideration within one year. If not selected at that time they will be retired or separated in accordance with laws existing prior to enactment.

A lump sum transition payment of $4000, in addition to retired pay, will be authorized for officers serving in or selected to the grades of lieutenant colonel/commander and colonel/captain on enactment who are subsequently selected for non-continuation and mandatorily retired.



retirement will apply equally to male and female officers.

I have summarized the major features of the bill and the management system it is designed to support. I should note that the proposal contains extensive transition provisions to protect the rights of officers on active duty at the time of enactment. If the proposed changes were made too abruptly, they could adversely affect the careers of many officers.

The Defense Officer Personnel Management Act will greatly aid the rationalization of our officer management system. It will also permit greater flexibility in the management of officers, especially through the use of the selective continuation provisions. The effectiveness of the selective continuation concept, and the move to an all-Regular force, is closely tied to the enactment of the Retirement Modernization Act proposal which was submitted to Congress on May 30, 1975. We do not feel we can remove the retirement eligibility assurance now enjoyed by majors and lieutenant commanders unless we have the means to compensate them for separation after long years of service.

I would conclude by asking that this legislation not be judged on the basis of any single aspect, but in terms of our overall objective of improving personnel management in the military Services. To be successful we will need a satisfactory balance between the management interests of the Department of Defense and the personal rights of the individual officer. This proposed legislation achieves such a balance and is supported by a broad consensus within the Department of Defense. It preserves the best features of the current system while correcting the deficiencies. It will prove invaluable in meeting the challenges of the all-volunteer environment and the Defense Department's long-range leadership needs.

In concert with the proposed changes in our retirement system, it also will produce the kind of officer force needed for our national security; and will assist in arresting the rising tide of manpower costs.

COMMANDER'S DIGEST
Vol 18, No. 19, November 6, 1975
A publication of the Department of Defense to provide official and professional information to commanders and key personnel on matters related to Defense policies, programs and interests, and to create better understanding and teamwork within the Department of Defense.
Published weekly by the American Forces Press Service, 1117 N. 19th St., Arlington, Va. 22209, a unified activity of the Office of Information for the Armed Forces, OASD (M&RA). Reproduction of content is authorized.
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Subscription Price: $18.75 domestic per year; $4.70 additional for foreign mailing; 40 cents per single copy.
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